



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/910,256

07/20/2001

Oliver T. Althoff

55185

2955

21874

7590

07/05/2006

EDWARDS & ANGELL, LLP

P.O. BOX 55874

BOSTON, MA 02205

EXAMINER

ABDI, KAMBIZ

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/910,256

Applicant(s)

ALTHOFF ET AL.

Examiner

Kambiz Abdi

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3621

DETAILED ACTION

1. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.

- Claims 1-37 have been considered
- No claims have been added.
- No claims have been canceled.

Response to Amendment

2. Because the applicant has not provided any evidence or document in support of reduction to practice as well as sufficient supporting documentation for Diligence Before References Date. The submitted affidavits are only in support of conception of claimed invention prior to the February 28, 2001 (Filing date of the Harrison prior art). Applicant's have not provided any supporting documentation is support of reduction to practice or due diligence up to the point of application filing, therefore, the affidavit alone does not overcome the prior art of evidence.

3. The rejections of the claims have been maintained.

Declaration Under 37 CFR 1.131: Ineffective

4. Paragraphs 1-4 of the Declaration make general references to the named inventor and the prosecution history of the application including the applied prior arts and pending claims.

5. Formal Requirements of Affidavits and Declarations (MPEP 715.04)

The following parties may make an affidavit or declaration under 37 CFR 1.131:

- (A) All the inventors of the subject matter claimed.
- (B) An affidavit or declaration by less than all named inventors of an application is accepted where it is shown that less than all named inventors of an application invented the subject matter of the claim or claims under rejection. For example, one of two joint inventors is accepted where it is shown that one of the joint inventors is the sole inventor of the claim or claims under rejection.
- (C) If a petition under 37 CFR 1.47 was granted or the application was accepted under 37 CFR 1.42 or 1.43, the affidavit or declaration may be signed by the 37 CFR 1.47 applicant or the legal representative, where appropriate.
- (D) The assignee or other party in interest when it is not possible to produce the affidavit or declaration of the inventor. Ex parte Foster, 1903 C.D. 213, 105 O.G. 261 (Comm'r Pat. 1903).

Art Unit: 3621

6. However, the Declaration have been signed by Oliver T. Althoff and Thomas S. Johnston two of the original inventors of record, the third inventor has refused to sign the declaration for un-known reasons, as well as none of the additional aforementioned conditions have been met, therefore, declaration does not comply with the formal requirements set forth. Accordingly, the declaration is of no effect. It is not clear to the office in its prosecution of the application of which of the inventors actually invented the subject matter of the claim or claims under rejection.

7. For the purpose of compact prosecution, the examiner provides a brief explanation of other deficiencies found in the Declaration. Note that these comments are not meant to be comprehensive. They are merely designed to assist Applicants should they choose to file additional affidavits.

Insufficient Evidence of Conception, Reduction to Practice and Diligence Before References Date.

8. Conception:

Conception is the mental part of the inventive act, but it must be capable of proof, as by drawings, complete disclosure to another person, etc. In *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897), it was established that conception is more than a mere vague idea of how to solve a problem; the means themselves and their interaction must be comprehended also (MPEP 715.04, page 70-250)

No clear explanation has been given as to what if there are any exhibits, which might show and HOW they support conception of the CLAIMED invention.

Accordingly, Applicant has not met the burden of showing conception prior to the date of references.

Reduction to Practice:

715.07(a) -Where conception occurs prior to the date of the reference, but reduction to practice is afterward, it is not enough merely to allege that applicant or patent owner had been diligent. Ex parte Hunter, 1889 C.D. 218, 49 O.G. 733 (Comm'r Pat. 1889). Rather, applicant must show evidence of facts establishing diligence.

9. Applicant has not provided any indication of what was tested and whether it was commensurate with the claims. Furthermore, a mere statement as to testing is inadequate. Applicant must provide evidence,

Art Unit: 3621

which will allow the Examiner to conclude that the invention was tested and worked for its intended purpose.

10. In conclusion, the Affidavit fails because of improper execution, no showing of reduction to practice of the claimed invention, no showing of conception of the claimed invention and no showing of diligence.

11. Therefore, the rejection mailed on October 22, 2004, of the claims as they have been presented as in the previous rejection stands (See Below).

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1-36 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. US 2003/0154405 A1 to John Harrison.

14. As per claim 1, Harrison discloses a method for carrying out over a network at least one verified, remote electronic transaction between at least one user and at least one merchant by providing to a merchant's server verified user information, which is necessary to complete the verified transaction, the method comprising:

- interfacing a machine-readable data structure of the user with a digital, electronic device, wherein the digital, electronic device is connected to the network (See Harrison abstract, paragraphs [0021], [0022], [0090], and [0130], where a machine-readable data structure corresponds to smart card and smart card reader corresponds to digital , electronic device);

Art Unit: 3621

- providing an access code via the digital, electronic device to unlock the machine-readable data structure and to thereby access a database of verifiable user information contained therein (See Harrison abstract, paragraphs [0023], [0091], [0094], [0132], and [0132], where access code corresponds to a PIN or PASSWORD); and
- providing the verifiable user information to the merchant over a communication link of the network to complete the transaction (See Harrison paragraphs [0015]-[0022] and [0132]).

15. As per claim 2, Harrison discloses the method of claim 1, further; Harrison discloses, verifiable user information is compared with similar user information residing on a verifying server on the network (See Harrison paragraphs [0015]-[0022]).

16. As per claim 3. The method of claim 1, further; Harrison discloses, the machine-readable data structure is selected from the group consisting of an integrated circuit card, a magnetic stripe card, and a bar coded card (See Harrison paragraphs [0090] and [0130]).

17. As per claim 4, Harrison discloses the method of claim 1, further; Harrison discloses, at least one merchant is a verifiable merchant (See Harrison paragraph [0132] where the vendor is corresponding to merchant).

18. As per claim 5, Harrison discloses the method of claim 1, further; Harrison discloses, the machine-readable data structure is unlocked by providing an access code through the digital, electronic device that matches a previously registered personal security code (See Harrison paragraphs [0023] and [0094]).

19. As per claim 6, Harrison discloses the method of claim 5, further; Harrison discloses, the previously registered personal security code is contained in unsecured memory on the machine-readable data structure (See Harrison paragraph [0023]).

Art Unit: 3621

20. As per claim 7, Harrison discloses the method of claim 1, further; Harrison discloses,

a first communication link between said digital, electronic device and the merchant's server is established following the unlocking of the machine-readable data structure (See Harrison paragraph [0132], where the vendor 70 corresponds to merchant server and a first communication link corresponds to communication link 42 internet).

21. As per claim 8, Harrison discloses the method of claim 1, further; Harrison discloses,

the communication link between the digital, electronic device and the merchant's server is established through a second communication link from said digital, electronic device to a verifying server and then through a third communication link from said verifying server to said merchant's server (See Harrison paragraph [0132], where in figure 2, the vendor 70 corresponds to merchant server and a second communication link corresponds to communication link 41a and a third communication link corresponds to 41b).

22. As per claim 9, Harrison discloses the method of claim 1, further; Harrison discloses,

verified user information is transmitted to at least one merchant's server to populate at least one merchant's check-out form (See Harrison paragraphs [0112] and [0135]).

23. As per claim 10, Harrison discloses the method of claim 9, further; Harrison discloses,

verified user information is transmitted to at least one merchant's server to populate at least one merchant's check-out form, following verification of the user's information at a verifying server (See Harrison paragraphs [0112] and [0135]).

24. As per claim 11, Harrison discloses the method of claim 9, further; Harrison discloses,

said check-out form is populated manually by the user (See Harrison paragraphs [0087] and [0132]).

Art Unit: 3621

25. As per claim 12, Harrison discloses the method of claim 9, further; Harrison discloses, said check-out form is populated automatically (See Harrison paragraphs [0112] and [0135]).

26. As per claim 13, Harrison discloses the method of claim 1, further; Harrison discloses, verified user information is transmitted to at least one merchant's server by automatically populating a merchant's order database and transaction systems (See Harrison paragraphs [0112], [0132], and [0135]).

27. As per claim 14, Harrison discloses the method of claim 13, further; Harrison discloses, verified user information is transmitted to at least one merchant's server by automatically populating a merchant's order database and transaction systems following verification of the user's information at a verifying server (See Harrison paragraphs [0112], [0132], and [0135]).

28. As per claim 15, Harrison discloses the method of claim 1, further; Harrison discloses, the merchant's server contains server-side software to accept direct transmission of verified user information from the machine-readable data structure, without using forms (See Harrison paragraph [0132]).

29. As per claim 16, Harrison discloses the method of claim 1, further; Harrison discloses, the network is selected from the group consisting of local area networks, wide area networks, the Internet, and Wireless and Mobile networks (See Harrison paragraph [0013]).

30. As per claim 17, Harrison discloses the method of claim 1, further; Harrison discloses, the additional steps of:
providing authorization from the user to complete said verified transaction;
completing said verified transaction;

Art Unit: 3621

providing at least one message to the merchant, indicating that said verified transaction comprises a valid, card present equivalent transaction; and

providing at least one message, comprising at least one transaction number, to the user's digital, electronic device to confirm the sale (See Harrison paragraphs [0014]-[0020], [0045], [0052] and [0202] .

31. As per claim 18, Harrison discloses a method for providing verified information about at least one user over a network to at least one merchant during at least one electronic transaction, the method comprising the steps:

- providing at least one access code provided by the at least one user and unique user information to at least one verifying server, wherein said verifying server is connected to the network;
- verifying said access code and unique user information; and
- providing verified user information to the at least one merchant (See Harrison paragraphs [0009], [0014]-[0019], and [0024], where access code and unique user information correspond to a password and ID and verifying server corresponds to secure server).

32. As per claim 19, Harrison discloses the method of claim 18, further; Harrison discloses, said access code is verified by comparing said access code with a previously registered security code stored on a machine-readable data structure (See Harris paragraph [0094]).

33. As per claim 20, Harrison discloses the method of claim 19, further; Harrison discloses, said access code is verified by presenting said access code through a digital, electronic device to the machine-readable data structure (See Harris paragraph [0130]).

34. As per claim 21, Harrison discloses the method of claim 18, further; Harrison discloses, said unique user information is released for verification against similar data stored in at least one database of the at least one verifying server (See Harris paragraphs [003], [0130], and [0132]).

Art Unit: 3621

35. As per claim 22, Harrison discloses the method of claim 21, further; Harrison discloses,

said unique user information is released for verification against similar data stored in at least one database of the at least one verified server upon verification of the access code (See Harris paragraphs [003], [0130], and [0132]).

36. As per claim 23, Harrison discloses the method of claim 18, further; Harrison discloses,

the network is selected from the group consisting of local area networks, wide area networks, the Internet, and Wireless and Mobile networks (See Harrison paragraph [0013]).

37. As per claim 24, Harrison discloses a system enabling a user to complete one or more verified, remote electronic transactions over a network with at least one merchant, said merchant having a server, wherein said verified transactions are completed by providing the merchant's server with verified user information, the system comprising:

- a network (See Harrison paragraph [0013]);
- at least one remote verifying server, wherein said remote verifying server is connected to the network and is capable of receiving and verifying verified user information (See Harrison paragraphs [0014]-[0019]);
- at least one remote server maintained by a merchant, wherein the merchant's at least one remote server is connected to the network and is capable of accessing said remote verifying server to receive verified user information therefrom (See Harrison paragraphs [0014]-[0019]);
- at least one remote digital, electronic device (corresponding to kiosk or a user terminal), that is maintained by the user or by a third party wherein said digital, electronic device is connected to the network (corresponding to Internet) and is capable of accessing said verifying server to transmit verified user information and said remote server maintained by a merchant to initiate and complete said verified, remote electronic transactions (See Harrison paragraph [0130]); and

Art Unit: 3621

- a machine-readable-data structure, having at least one secure memory cache, which interfaces with said digital, electronic device (See Harrison paragraphs [0023] and [0094], where a machine-readable-data structure corresponds to smart card).

38. As per claim 25, Harrison discloses the system of claim 24, further; Harrison discloses, the system further comprises a registered personal security code that is stored in said secure memory cache of said machine-readable data structure (See Harrison paragraphs [0023] and [0094]).

39. As per claim 26, Harrison discloses the system of claim 24, further; Harrison discloses, the machine-readable data structure comprises at least one of an integrated circuit card, a magnetic stripe card, or a bar coded card (See Harrison paragraphs [0023] and [0094]).

40. As per claim 27, Harrison discloses the system of claim 26, further; Harrison discloses, the integrated circuit card, having a surface, further comprises:
at least one internal microprocessor, at least one internal semiconductor memory, having a secured first portion for storing verifiable user information and an unsecured second portion, wherein said at least one internal semiconductor memory is controlled by said at least one internal microprocessor; and at least one mass-storage memory, wherein said at least one mass storage memory is accessible from the surface of the card (See Harrison paragraphs [0023] and [0094]).

41. As per claim 28, Harrison discloses the system of claim 24, further; Harrison discloses, said machine-readable data structure can be unlocked by a security algorithm (See Harrison paragraphs [0022], [0023], and [0094]).

42. As per claim 29, Harrison discloses the system of claim 28, further; Harrison discloses,

Art Unit: 3621

said machine-readable data structure can be unlocked by inputting an access code (See Harrison paragraphs [0022], [0023], and [0094]).

43. As per claim 30, Harrison discloses the system of claim 29, further; Harrison discloses,

said machine-readable data structure is unlocked after the access code inputted by the user is verified against a previously registered security code that is stored in said secured first portion of said internal semiconductor memory (See Harrison paragraphs [0022], [0023], and [0094]).

44. As per claim 31, Harrison discloses the system of claim 30, further; Harrison discloses,

said previously registered security code is resident in one or more memory on the machine-readable data structure (See Harrison paragraphs [0022], [0023], and [0094]).

45. As per claim 32, Harrison discloses the system of claim 29, further; Harrison discloses,

said system further comprises software capable of providing verified user information to at least one verifying server for verification upon prior successful access code verification (See Harrison paragraphs [0022], [0023], and [0094]).

46. As per claim 33, Harrison discloses the system of claim 24, further; Harrison discloses,

at least one verifying server provides verified user information to said merchant's server to populate a merchant's check-out form contained therein (See Harrison paragraphs [0112], [0132], and [0135]).

47. As per claim 34, Harrison discloses the system of claim 33, further; Harrison discloses,

said at least one verifying server provides verified user information to said merchant's server by automatically populating an order database and transaction system (See Harrison paragraphs [0112], [0132], and [0135]).

Art Unit: 3621

48. As per claim 35, Harrison discloses the system of claim 33, further; Harrison discloses, said merchant's server contains server-side software to accept direct transmission of the user's machine-readable data, without using forms (See Harrison paragraph [0132]).

49. As per claim 36, Harrison discloses the system of claim 35, further; Harrison discloses, said direct transmission of the user's machine readable data is stored originally on the user's machine-readable data structure (See Harrison paragraph [0132]).

Claim Rejections - 35 USC § 103

50. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

51. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. US 2003/0154405 A1 to John Harrison.

52. As per claim 37, Harrison discloses the system of claim 33, further; Harrison discloses, the user manually populates the merchant's check-out form (See Harrison paragraph [0132]) by dragging verified user information from at least one pop-up window and dropping the dragged information into an appropriate location of the merchant's check-out form.

What is not explicitly disclosed by Harrison is the drag and drop functionality of populating a form in a graphical user interface.

However, The examiner takes Official Notice that the process of drag and drop of visual items such as text or graphics within a graphical user interface from one window to another window is an old

Art Unit: 3621

and well known practice in the art as an easy way to populate new windows with old items of interest without retyping or recreating the content.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to have included the drag and drop functionality to the invention for the motivation of saving time and accuracy of populating forms without retyping the text.

53. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Conclusion

54. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to **Kambiz Abdi** whose telephone number is **(571) 272-6702**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **(571) 272-6712**.

55. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>.

Art Unit: 3621

56. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

or faxed to:

(703) 305-7687 [Official communications; including After Final communications labeled "Box AF"]

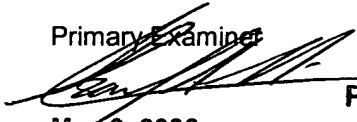
(703) 308-1396 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Examiner in the

Knox Building, 50 Dulany St. Alexandria, VA.

Kambiz Abdi

Primary Examiner



**KAMBIZ ABDI
PRIMARY EXAMINER**

May 9, 2006

Attorney Docket No. 55,185 (41371)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Oliver T. Althoff, et al. CONFIRMATION NO.: 2955
U.S.S.N.: 09/910,256 GROUP: 3621
FILED: July 20, 2001 EXAMINER: Abdi, K.
FOR: CHECKOUT SYSTEM FOR ON-LINE, CARD PRESENT EQUIVALENT
INTERCHANGES

MS AF
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

PETITION UNDER 37 C.F.R. §1.47

A Final Office Action was mailed by the United States Patent and Trademark Office on May 16, 2005. The Final Office Action provides that, a Declaration Under 27 CFR 1.131, which was filed in connection with a Response to Office Action, is ineffective and provides insufficient evidence of conception, reduction to practice and diligence. More specifically, signatures of the co-inventors are missing from the oath or declaration.

Two of the three inventors have executed the declaration filed herewith. However, the third inventor has not executed the declaration and refuses to do so.

This is a petition under 37 C.F.R. §1.47(a) to accept the declarations executed by the two inventors on behalf of themselves and the non-signing inventor in order to avoid prejudice to the Assignee.

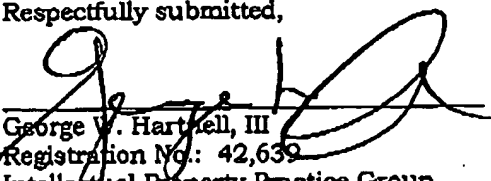
A check for the petition fee of \$130.00 is enclosed, as set forth in 37 C.F.R. §1.17(h).

Certificate of Express Mailing	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. <u>EV711312895US</u> , in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: November 2, 2005	Signature: <u><i>Sakisha L. Bryant</i></u> (Sakisha Bryant)

Attorney Docket No.: 55,185 (41371)
Applicant(s): O. Althoff, et al.
U.S.S.N.: 09/910,256
Group Art Unit: 3621
Examiner: Abdi, K.
Page 2

The pertinent facts establishing the failure of Michael J. Abbott to sign the declaration are set forth in the accompanying supporting Statement of Facts Regarding Inventor's Unwillingness to Sign Declaration Under 37 CFR § 1.131 (the "Statement"). Based on the facts set forth in the supporting statement, it has been concluded that Mr. Abbott has refused to sign the declaration and relief under 37 C.F.R. §1.47(a) is requested by the other inventors.

Respectfully submitted,



George V. Hartnell, III
Registration No.: 42,639
Intellectual Property Practice Group
EDWARDS & ANGELL, LLP
P.O. Box 55874
Boston, Massachusetts 02205
Tel.: 617-439-4444
Fax: 617-439-4170

Date: November 2, 2005
514637